



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
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April 29, 2014

**BY FAX**

Honorable Paul G. Gardephe  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007  
(212) 805-7986

Re: Kenneth Crichton v. City of New York, et al., 12 Civ. 7454 (PGG) (DCF)

Dear Judge Gardephe:

I am a Senior Counsel in the Office of Zachary W. Carter, Corporation Counsel of the City of New York, representing defendants in the above-referenced matter. Defendants are appealing Magistrate Judge Freeman's April 15, 2014 Order requiring disclosure of a confidential informant's identity to the plaintiff. In support of that appeal, defendants have obtained a declaration of the informant. Plaintiff's counsels object to the declaration on the grounds that defendants did not have it at the time this matter was litigated in front of Magistrate Judge Freeman.

In light of the sensitive nature of the declaration, the fact that it contains the identity of the confidential informant and the fact that the revelation of that identity is currently in dispute, defendants' respectfully request that they be allowed to file the declaration under seal. A copy of the declaration is annexed hereto and is sent "attorneys' eyes only" to plaintiff's counsels.

Thank you for your consideration herein.

**MEMO ENDORSED**

**The Application is granted.**

**SO ORDERED:**

Paul G. Gardephe  
Paul G. Gardephe, U.S.D.J.

Dated: May 7, 2014

Respectfully submitted,

/s/

Dara A. Olds  
*Senior Counsel*  
Special Federal Litigation Division

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